

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOHN L. GRAVES, II, )  
Plaintiff, )  
v. )  
DETECTIVE T.M. YANCEY, )  
DETECTIVE W.D. MARSH, and )  
DETECTIVE H.S. BROWN, )  
Defendants. )

1:09CV841

## O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 25, 2011, was served on the parties in this action. (Doc. 22.) Plaintiff filed objections to the Recommendation. (Doc. 24.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court adopts the Magistrate Judge's recommendation in full.

There is pending a Motion to Amend filed by the Plaintiff. (Doc. 25.) In the Court's discretion, that motion is denied. Over two years after the lawsuit was filed, the Plaintiff now seeks to add a new Defendant who works for the Bristol, Virginia police

department. With the dismissal of the lawsuit against all current Defendants, the Plaintiff is essentially seeking to start a new lawsuit in the Middle District over events which occurred over five years ago in another state against a Defendant who works in another state. The requirements of Rule 20 of the Federal Rules of Civil Procedure can no longer be met because there has been undue delay, and allowing the amendment would unduly prejudice the non-movant. *See, e.g., Hinson v. Norwest Fin. S.C., Inc.*, 239 F.3d 611, 618 (4th Cir. 2001); *Davis v. Piper Aircraft Corp.*, 615 F.2d 606, 613 (4th Cir. 1980).

**IT IS THEREFORE ORDERED** that Defendants' motion for summary judgment (Doc. 16) is **GRANTED** and that this action is dismissed with prejudice. Plaintiff's motion to amend to add a party (Doc. 25) is **DENIED** without prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of January, 2012.



UNITED STATES DISTRICT JUDGE